

07.01-6/1/98-00753



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107-4431

June 1, 1998

Mr. Randy Jackson
Atlantic Division, Code 18221
Naval Facilities Engineering Command
1510 Gilbert Street
Norfolk, VA 23511-2699

Re: Letter dated May 12, 1998 requesting comments
On Master Work Plan for RAC Contractor

Dear Randy:

I have no specific comments on the draft Master Work Plan dated April 30, 1998 for the Naval Base, Norfolk.

I am attaching guidance which EPA has recently published entitled "Sending Wastes Off Site" which I would recommend the Naval Base adopt as part of their standard operating procedures.

Sincerely,

A handwritten signature in cursive script that reads "Harry Harbold".

Harry Harbold
Federal Facilities Branch

cc: Devlin Harris(w/attachment)



Sending Wastes Off Site? OSC and RPM Responsibilities Under the Off-site Rule

Office of Emergency and Remedial Response
5202G

The Off-site Rule: What OSCs and RPMs Must Do

The Off-site Rule is designed to safeguard human and ecological health when hazardous substances, pollutants or contaminants are shipped off the site for treatment, storage, or disposal. Cleanup at your site may involve transferring wastes off site. You naturally want to prevent future environmental problems by seeing to it that CERCLA wastes are sent to EPA-accepted facilities. The Off-site Rule sets this responsibility squarely on the shoulders of OSCs and RPMs.

Your job as a CERCLA site manager is to ensure that CERCLA wastes only go to EPA-accepted facilities. To help you make that determination, each Region has designated a Regional Off-Site Coordinator (ROC). The ROC's job is to let you know which off-site waste management facilities you can use and to answer your questions about the Off-site Rule's requirements.

As an OSC or RPM, your Off-site Rule-related job is to plan, communicate, keep records, and manage your cleanup contractor, with an eye toward off-site transfer. This includes ensuring that PRPs, Federal Facilities, and States remember their responsibility to comply with the rule when cleaning up CERCLA wastes. By working closely with the cleanup contractor's site manager, the ROC, and appropriate Regional officials, you can ensure the continued protection of human health and the environment when transferring wastes off-site.

Does the Off-site Rule Apply?

The Off-site Rule applies to all off-site transfers resulting from:

- ✓ Remedial or removal actions conducted under CERCLA authority (Consent Decrees, 106 Orders, etc.) or using Superfund money
- ✓ Cleanup of Federal Facilities under § 120 of SARA
- ✓ Cleanup under § 311 of the Clean Water Act (except cleanup of petroleum products)

The Off-site Rule does NOT apply to:

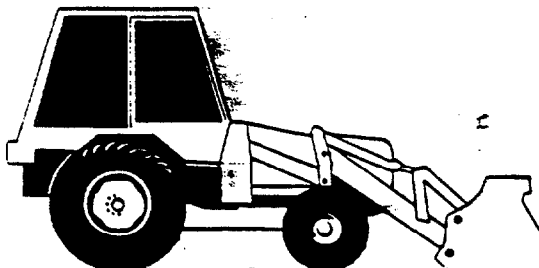
- ✓ Wastes that do not contain CERCLA hazardous substances, pollutants, or contaminants (e.g., uncontaminated trash and debris)

Off-site Rule requirements may be waived for:

- ✓ CERCLA emergency removal or remedial actions*
- ✓ Response actions taken under § 311 of the Clean Water Act*
- * where the release poses an immediate and significant threat to human health and the environment

Some actions are exempt:

- ✓ Actions taken in response to imminent hazards pursuant to RCRA § 7003



**Read On
For 7 Simple
Steps For Success**



So what is it exactly that you have to do?
Most importantly, know when you need to be aware of the Off-site Rule so that you can plan ahead. These seven steps will tell you how.

TIP:

The requirement that the Off-site Rule be followed should be included in a contract documents, Consent Decree or Administrative Orders, and Federal Facility or State Agreements.

1
Assess the Site in Terms of Treatment Options

As you assess the site, think about the ultimate fate of wastes and residuals. For example: Is the waste treatable or can it only be placed in a secure location? Can or should the waste or treatment residuals remain on site or should they be transferred off site? How will the public respond to a permanent on-site landfill or the transport of the hazardous waste through their neighborhood? These are the types of considerations that will lead to determining whether wastes should be transferred off site.

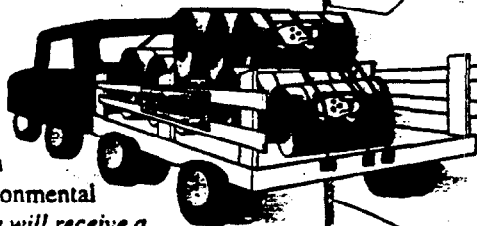


Emergencies do occur....

OSCs are on call to respond to hazardous and significant waste emergencies posing an immediate threat to human health and the environment. In the case where only the immediate removal of the waste will eliminate the threat, an OSC may be exempt from observing all of the Off-site Rule procedures. However, every effort should be made to contact the ROC and send wastes to an acceptable location. This may mean temporary storage of the waste to allow time to locate an acceptable facility. *If the Off-site Rule will not be followed during an emergency action, the OSC must provide a written explanation to the Regional Administrator (both RAs if the disposal site is outside the Region) within 60 days of taking the action.*

7
Complete the Waste Transfer

If the shipment requires a RCRA hazardous waste manifest, a person authorized to sign the manifest must be on hand for pickup and delivery of the waste. Authorized EPA site contractors may sign the manifest using the statement, "on behalf of the U.S. Environmental Protection Agency." *You will receive a copy of the manifest for your records to document the transfer. If manifests are not required, verify that the wastes were shipped to an acceptable facility, as well as the ultimate destination of the waste.*



TIP:

Don't just file the RCRA Hazardous Waste manifest! Check it to make sure the waste was properly transferred.

TIP:

If the primary receiving facility no longer acceptable, rely the backup facility that you planned in Step 4.



Following these steps will help you plan for and successfully implement the Off-site Rule. Remember—the goal is to ensure existing hazardous waste does not contribute to future environmental problems.

2 The RPM or OSC Must Determine Whether the Wastes are Governed by the Off-site Rule

If the action planned for your site involves transferring either treated or untreated CERCLA wastes off site, you need to determine whether the Off-site Rule will apply to the treatment, storage, or disposal of the waste. Consult with the appropriate programs (RCRA, TSCA, etc.) as appropriate to make the determination. The following summarizes which types of wastes, when transferred off site, are governed by or exempt from the Off-site Rule:

Off-site Rule Applies to Off-site Transfer

- Existing CERCLA wastes (hazardous substances, pollutants, and contaminants)
- Residuals from CERCLA wastes treated on site
- Wastewater containing a CERCLA hazardous substance, pollutant, or contaminant

Transfer Exempt from Off-site Rule

- Laboratory Samples*
 - Treatability Study Waste*
 - Uncontaminated Wastes (e.g., trash and debris)
- * some restrictions apply

3 Determine the Type of Receiving Facility that is Appropriate

If the wastes to be transferred off site are determined to be governed by the Off-site Rule, the RPM or OSC should then determine the appropriate type of receiving facility for each waste type. Consult with the appropriate program(s), as needed, to make this determination. Here are some examples:

CERCLA Waste	Receiving Facility
Waste Containing PCBs (≥ 50 ppm)	TSCA Permitted
RCRA Hazardous Waste	RCRA Subtitle C
RCRA Non-hazardous Waste	RCRA Subtitle D

4 Contact ROC for Acceptability Determination

Provide the appropriate ROC with the waste and facility determinations (Steps 2 & 3) and name or names of the receiving facility or facilities that have been selected. Only facilities meeting the Off-site Rule's acceptability criteria can be used. You should verify with the ROC whether the facilities are acceptable under the Off-site Rule. The length of time necessary to make this determination may vary depending on whether the facility has been previously inspected. Generally, the cleanup contractor will narrow the field of choices based on factors such as cost and location. Then, you will contact the ROC in the Regions where these facilities are located. The cleanup contractor can then use the ROC's determination to select a primary facility. Be sure to allow enough time for the ROC to make the determination.

6 Recheck Facility's Status Within 60 Days of Transfer

You must contact the ROC to recheck the receiving facility's acceptability status. Recheck shortly before the waste is scheduled to be transferred (but within 60 days of the transfer), because the acceptability status of the facility can change quickly.



5 Notify Appropriate Officials of Waste Transfer

Before transferring the waste, consider whether you should notify your Regional management of the use of the selected facility. If so, notify them as early as possible. This will enable them to coordinate in advance with and provide written notice to the appropriate State and local officials, and, potentially the community, and reduce the potential for controversy (Ref. OSWER Dir. 9330.2-07, 9/14/89). If the receiving facility is located in another Region, coordinate with the appropriate ROC to ensure the receiving Region's management also is informed.

TIP:

Whenever possible, have an approved alternate facility as a contingency. This will help you in case the primary facility becomes unacceptable as you get closer to waste transfer.



**Need to contact a ROC? Call these
Regional contacts or the Superfund Hotline.**

1	Mel Cheeks	(617) 565-9446
2	Sam Kerns	(212) 637-4139
	Joel Golumbek	(212) 637-4140
3	Naomi Henry Grant Dufficy	(215) 566-3455
4	Alan Newman	(404) 562-8589
	Houston Gilliland	(404) 562-8617
5	Gertrud Matuschkovitz	(312) 353-7921
	Sheila Burrus	(312) 886-3587
6	Ron Shannon	(214) 665-2282
	Katy Griffith	(214) 665-8531
7	Bill Gresham	(913) 551-7804
8	Terry Brown	(303) 312-6419
	George Dancik	(303) 312-6035
9	Kandice Bellamy	(415) 744-2091
	Eve Levin	(415) 744-2110
10	Kevin Schanilec	(206) 553-1061
	Jamie Sikorski	(206) 553-5153
HQ	Dave Eberly (OSW)	(703) 308-8645
	Ken Skahn (OERR)	(703) 603-8801
	Superfund Hotline	(800) 424-9346
		(703) 412-9810

More Details



- ➔ The Off-site Rule originated as policy in 1985 and was incorporated into §121(d)(3) of SARA as the "off-site clause." The final Off-site Rule can be found at 58 Federal Register 49200, Sept. 22, 1993.
- ➔ You can read the Off-site Rule in the Code of Federal Regulations: 40 CFR Part 300.440.
- ➔ The word "off-site" is used to mean everything that is not "on-site." On-site, as defined in the NGP, is the areal extent of contamination and all suitable areas in very close proximity to the contamination necessary for implementation of the response action.
- ➔ The onus is on EPA—not the waste management facility—to comply with the Off-site Rule. Therefore, OSCs and RPMs are responsible for proper implementation of the rule, while other program offices, such as the RCRA program, monitor facility compliance.



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